

**5/23/77 [3]**

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THE WHITE HOUSE  
WASHINGTON

May 23, 1977

Hamilton Jordan -

The attached was returned in  
the President's outbox. It is  
forwarded to you for appropriate  
handling.

Rick Hutcheson

Re: Commissioner of the  
Administration on Aging in HEW  
& Presidential Counselor on  
Aging

THE WHITE HOUSE  
WASHINGTON

Mr. President:

Hamilton thinks that you  
should review the attached  
material as is, and makes  
no recommendation.

I don't know  
if the Council  
is needed. It  
should be looked at  
as a part of Redesign.  
However, do have a specific  
~~campaign~~ campaign committee  
to appoint a counselor on  
the Aging. In the way





THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON, D.C. 20201

*Ham  
see me  
J*

May 18, 1977  
1977 MAY 18 PM 4 38

MEMORANDUM FOR THE PRESIDENT

THE PRESIDENT HAS SEEN.

In January, I recommended and you agreed to the appointment of one person to serve as both Commissioner of the Administration on Aging in HEW and as the Presidential Counselor on Aging--a position which you promised to establish during the campaign. Since then I have come to realize:

- 1) that the efforts of the Commissioner need to be concentrated on the management of the Administration's sizable program (FY-1978 Budget: \$423.5 million); and
- 2) that a mechanism for advising the President on the problems of the elderly already exists in the Federal Council on Aging.

The Federal Council, created by Congress under the 1973 amendments to the Older Americans Act, is authorized to advise the President, the Secretary of HEW, the Commissioner of Aging and the Congress on matters related to the special needs of older Americans. It is composed of fifteen citizen members appointed by the President with Senate confirmation for three-year terms and is chaired by a member designated by the President. The Council is staffed by a six-person Secretariat housed in the Administration on Aging.

The Council has the staff and resources (FY-1978 Budget: \$450,000) to function as an effective advisory unit, if the Chairperson is a strong and knowledgeable advocate for the elderly, and if the President chooses to recognize the Council's voice. To reinvigorate the Federal Council and to provide the Presidential Counselor with staff and resources, I now recommend that the roles of the Presidential Counselor and the Chairperson of the Federal Council on Aging be joined. I further recommend that you nominate Mr. Nelson Cruikshank to serve in the Counselor/Chairperson position.

Mr. Cruikshank, President of the National Council of Senior Citizens since 1969 and Co-Chairperson of the Seniors for Carter-Mondale during the campaign, is extremely knowledgeable about the most important programs for the elderly: income maintenance and health care insurance. Moreover, he has the national visibility and leadership capability that would bring stature to the joint position, and he has strong backing from the AFL-CIO.

**Electrostatic Copy Made  
for Preservation Purposes**



As one of the candidates considered for Commissioner of Aging, Mr. Cruikshank has been discussed with Members of Congress who have a particular interest in the aging. Among those who expressed support for him were Senators Church, Muskie, Pell, and Riegle, and Congressmen Thompson, Ford, Pepper and Phillip Burton. No one in the Congress voiced opposition to Mr. Cruikshank. His appointment will be well received in the Aging Committees.

The highlights of his career are:

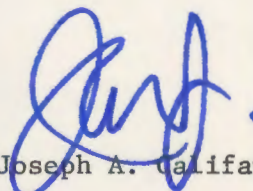
- Born in Bradner, Ohio, in 1902, and educated at Ohio Wesleyan University (Bachelor of Arts, 1925), and at Union Theological Seminary, (Masters in Divinity, 1929).
- Directed Workers Education Program at Yale University, 1933-35, and at New York University, 1935-36.
- Directed Social Insurance Activities, AFL, 1944-50, and AFL-CIO, 1953-65.
- Served three terms as member Statutory Advisory Council on Employment Security to Secretary of Labor (Secretaries Tobin, Schwellenbach, Durkin, Mitchell, Goldberg and Wirtz).
- Visiting Professor, Michigan State University, 1966; University of Michigan, 1967; Pennsylvania State University, 1969.

Professional Organizations

- President, National Council of Senior Citizens, June, 1969, to present.
- Member, Federal Council on Aging (Chairman, Committee on Economics of Aging), appointed, 1974.

A more detailed resume is attached.

If you approve his appointment, I would like to bring him by to meet you before announcement since he will be your Counselor as well as Chairman of the Council.

  
Joseph A. Califano, Jr.

Approve \_\_\_\_\_

Disapprove \_\_\_\_\_

Attachment



NELSON H. CRUIKSHANK

Born -- 1902, Bradner, Ohio

Education

B.A., Ohio Wesleyan University, 1925  
Masters in Divinity, Union Theological Seminary,  
New York City, 1929  
Honorary LL.D. Ohio Wesleyan University, 1972

Professional Experience

1953-65 -- Director, Department of Social Security, AFL-CIO,  
Washington

1951 -53 -- Director, Labor Division Economic Co-operation  
Administration in Paris, France

1944-50 -- Director, Social Insurance Activities, AFL

1943-44 -- Executive Assistant to Labor Members Management-  
Labor Advisory Committee, War Manpower Commission,  
Washington, and Deputy Vice-Chairman of Commission  
in charge of Labor Relations

1937-42 -- Labor Relations for Farm Security Administration  
-- for last two years of period, Director,  
Migratory Labor Camp Program

1935-36 -- Directed WPA Workers Education Program at New York  
University, New York City

1933-35 -- Directed Workers Education Program, New Haven,  
Connecticut, Central Labor Union at Yale University,  
and organized for AFL in Connecticut

1930-33 -- Directed relief program Brooklyn, New York,  
Federation of Churches

Worked in automobile factories in and around  
Toledo, Ohio, and for three season on Great Lakes  
steamships.

Related Professional Experience

1972 -- Member, Advisory Council on Employee Welfare and  
Pension Benefit Plans, Employee Retirement Income  
Security Act of 1974 (ERISA). Reappointed in 1976  
for three-year term.



1962-70 -- Member, Committee on Experts on Social Security, ILO

1964,

1958-59,

1948-49 -- Member, Statutory Advisory Councils on Social Security

1954 -- Member, Consultant's Group to Advise Secretary of HEW on Social Security

1948 -- Member, U.S. Delegation to First General Assembly, WHO, Geneva, Switzerland

1946-50 -- Member, U.S. National Commission for UNESCO

1946 -- Member, U.S. Delegation to First General Assembly, UNESCO, Paris, France

Served three terms as member Statutory Advisory Council on Employment Security to Secretary of Labor (Secretaries Tobin, Schwellenbach, Durkin, Mitchell, Goldberg and Wirtz)

Member: Statutory Advisory Council under Medicare (Health Insurance Benefits Advisory Council) (HIBAC), 1965-1972

Department of the Church and Economic Life, National Council of Churches, 1947-1971

(and former member Executive Committee) Industrial Relations Research Association, 1954-1972

Lifetime member Seafarers' International Union of North America

Visiting Professor, School of Labor and Industrial Relations, Michigan State University - Spring Term 1966

Visiting Lecturer, School of Social Work, University of Michigan, Winter Term 1967

Visiting Professor, Labor Studies Center and Political Science Department, Pennsylvania State University, Spring Term, 1969

#### Professional Organizations

President, National Council of Senior Citizens, June 1969 to present  
Chief Appeals Officer, ILGWU National Retirement Fund, appointed 1969  
Member, Federal Council on Aging (Chairman, Committee on Economics of Aging), appointed 1974



THE WHITE HOUSE  
WASHINGTON

May 23, 1977

Frank Moore -

The attached was returned in  
the President's outbox. It is  
forwarded to you for appropriate  
handling.

Rick Hutcheson

Re: Weekly Legislative Report



THE WHITE HOUSE  
WASHINGTON

ACTION	FYI		
		MONDALE	ENROLLED BILL
		COSTANZA	AGENCY REPORT
		EIZENSTAT	CAB DECISION
		JORDAN	EXECUTIVE ORDER
		LIPSHUTZ	Comments due to
	X	MOORE	Carp/Huron within
		POWELL	48 hours; due to
		WATSON	Staff Secretary
			next day

	FOR STAFFING
	FOR INFORMATION
X	FROM PRESIDENT'S OUTBOX
X	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

	ARAGON		KRAFT
	BOURNE		LANCE
	BRZEZINSKI		LINDER
	BUTLER		MITCHELL
	CARP		POSTON
	H. CARTER		PRESS
	CLOUGH		B. RAINWATER
	FALLOWS		SCHLESINGER
	FIRST LADY		SCHNEIDERS
	GAMMILL		SCHULTZE
	HARDEN		SIEGEL
	HOYT		SMITH
X	HUTCHESON		STRAUSS
	JAGODA		WELLS
	KING		VOORDE

THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

ADMINISTRATIVELY CONFIDENTIAL

WASHINGTON

May 21, 1977

MEMORANDUM FOR:

THE PRESIDENT

FROM:

FRANK MOORE

SUBJECT: Weekly Legislative Report

1. ENERGY

Energy Department: The bill passed the Senate May 19 by 74-10 (Durkin was the only dissenting Democrat). The House bill is expected to go before the Rules Committee after the Memorial Day recess.

Energy Plan: The Senate has not begun earnest consideration of the bill (the House is committed to complete markup by July 13 and clear a bill before the August recess). Senate Finance is not expected to take up Title II (Pricing/Taxes) until mid-June. The Senate Energy & Natural Resources has scheduled its first definitive hearing on Title I, Part F (Coal Conversion) on May 25, but this will be in context with the Jackson bill. The Joint Economic Committee held a hearing last Friday on the economic impact of the bill, and since the CPI just came out with a potential for double-digit inflation rate, the members of the Committee are concerned that the energy proposal could augment inflation by as much as 2% (Sen. Humphrey is particularly concerned).

-- The House Energy & Power Subcommittee (Dingell) has been conducting marathon hearings since May 12 and has completed Natural Gas, School and Hospital Conservation, and is half-way through Utility Regulatory Policies. All hearings will be completed before the recess. Upon return, the subcommittee will begin markup immediately, beginning June 2 and ending June 17.

-- A better reading of how the Administration bill will fare in markup needs to be developed. However, the main controversy will no doubt be Natural Gas. Decontrol proponents will push the Reps. Krueger/Brown "stair-step" decontrol substitute for the Administration bill. Krueger came within 4 votes in the 94th Congress of winning deregulation on the House floor despite opposition from the Commerce Committee majority and the Democratic leadership. Energy votes in the subcommittee and full committee have been close in either direction during the 94th Congress and the same will likely hold true in this Congress. While it was believed the Krueger forces held a slim margin in subcommittee, Dingell "stacked" the votes on May 5 (with the help of the leadership) to add freshmen Walgren (D-Pa) and Gore (D-Tenn), believed to oppose decontrol, and Madigan (R-Ill) whose philosophy is uncertain.

-- During hearings, the principal point made by industry and producing state Govs. Briscoe and Boren is that the pricing provisions will not allow the country to develop the energy resources called for in the plan. They are particularly opposed to government intervention in the intrastate market and feel the free enterprise system is being abandoned by the President. Your October 19 letter to producer state Govs. was aired throughout the hearings and made part of the record. Other than this basic point of departure, several technical criticisms were elicited in the hearings, and if decontrol fails, no doubt attempts will be made to amend the bill in these following areas:



\* Tagging the price of natural gas to the Btu equivalency of composite domestic crude rather than the world or upper tier oil price. Contention -- will discourage production and conservation.

\* Definition of "new" gas, i.e. 2½ miles from completion site or 1000 ft depth. Contention -- it is a political, not geologic definition and will inhibit development of new supply (only 6% of gas in Oklahoma would be classified "new" under definition). The Texas Railroad Commission standards is being submitted to the Committee for consideration.

\* Mandatory allocation from the intrastate market. Contention -- further federal intrusion where voluntary transmissions proved effective during the winter shortage, and will discourage pipelines from husbanding stocks if they can rely on federal allocation.

\* User tax and incremental pricing. Contention -- will be detrimental to small users, including hospitals, which is counter the Administration's plan to reduce hospital costs; also detrimental to petrochemical feedstocks, including fertilizer, which will raise consumer and particularly food prices. An amendment probably will be offered to exclude small users -- eg, less than 3000 mcf day.

-- A major point made in the hearings is that the Administration position on pricing is predicated in the assumption that only limited reserves remain and higher prices will not elicit proportionately larger supply. The industry presented analyses indicating that a 50-year supply remains in addition to proven and producing reserves.

-- The Ways & Means Committee conducted four days of hearings on Title II (tax provisions) last week, hearing from Administration witnesses as well as from numerous industry groups, public interest groups, and labor (AFL-CIO). The Committee has scheduled four days of hearings next week to hear from the oil and gas industry, auto industry (including dealers), transport industry, and petrochemical industry. The Committee concludes hearings June 1 and begins markup June 6. The final day will draw testimony from 12 Members: McCormack, Goldwater, Moorhead (Pa), Pepper, Ruppe, Wylie, Alexander, Coughlin, Cohen, Myers (Pa), Weaver and Volkmer. A "Workshop for Alternative Energy Strategies" is to follow with panelists from universities and the U.S. Labor Party.

-- Almost universal criticism of the gasoline standby tax and considerable criticism of the gas guzzler tax was the order of the day among Committee members (as reported by the press) last week. Beyond this publicized reaction, however, Chairman Ullman has advised that "in markup we will be developing some alternative systems" and wants the AFL-CIO, who testified in support of rationing in lieu of taxes, to look at these. (Preliminary feedback from the Hill indicates that the Committee intends to rewrite Title II, but this needs firmer verification.) Rep. Mikva has advised White House congressional liaison staff that there may be only three Democratic votes in Committee for these taxes.

-- In questioning, Committee members expressed displeasure with the tax provisions in varying degrees. Among the comments made:

Conable (R)	This is more a tax plan than an energy plan and almost amounts to
Frenzel (R)	income reallocation.

Burke (D)	Concerned about increasing New England utility bills.
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Rostenkowski The gas guzzler/tax rebate system would violate international trade agreements and could make the foreign car more attractive to buy.

Burleson(D) No incentive for finding new sources of fuel.

Archer (R) NEP does not treat geographic areas equally and Texans and Louisianans  
Pickle (D) will be paying enormous utility bills if coal conversion is forced.  
Waggonner (D)

Corman The auto is a necessity to California.

Waggonner The Committee is being asked to adopt a permanent rebate rather than a one-shot tax as originally considered by the Administration.

Cotter (D) The wealthy can buy their way around these taxes. Pressed for mandatory  
Stark (D) production of 27.5 mpg cars instead.  
Jacobs (D)  
Keys (D)

Holland (D) Rationing should be seriously contemplated.

Martin (R) How could rebates achieve conservation?

Brodhead (D) Gave Blumenthal 13 questions to answer on the gas guzzler (Detroit is in his district).

Rangel (D) Mass transit should be included.  
Gephardt (D)  
Rostenkowski

Vander Jagt (R) If the gas guzzler tax would only conserve .5% fuel?

Stark Asked for White House polls showing support for the gas guzzler tax.

Ullman Had advised Schlesinger that he felt the Administration was not successful in its efforts to convince the American people there is an "invisible" crisis and has not made the necessary effort to push this bill, which will take "a major effort" to get through Congress intact.

-- The May 19 hearing of industry witnesses was more in regard to the pricing provisions for gas and oil than the auto/gasoline issue. Ullman asked the witnesses to furnish the Committee prior to markup their analysis of how the bill would affect them. Waggonner considers the plan "a social welfare program" and Jones, "that it is top-heavy on conservation."

Summary: Last week was one of congressional testing on the energy plan. There may be a need at some point for greater presidential involvement (through soundings with key Members by White House congressional liaison staff, or by further meetings with key Members or groups of Members) on the energy plan.

## 2. APPROPRIATIONS

-- Last week, the House Defense Appropriations Subcommittee started markup of its bill (OMB reports the final product will be \$1 to \$2 BILLION (in BA) under the budget request. Next week, the House will hold seven full committee markups: State/Justice,



Agriculture, HUD, Public Works (water projects), Treasury, Labor/HEW, and Transportation

Foreign Operations: Treasury reports that Rep. Long's subcommittee last week approved IFI appropriations at a total level of \$2.123 BILLION (the request was for \$2.75 BILLION). Reductions in the International Development Association, World Bank, International Finance Corporation, and Asian Development Bank are of major concern to Treasury.

-- State reports the major issues, other than funding levels, within the subcommittee are: 1) whether the subcommittee will preclude some or all military assistance to specific countries which it considers to be human rights violators, and; 2) whether a Rep. Bill Young (R-Fla) amendment precluding all assistance, direct and indirect, to Vietnam will be adopted.

-- State, Treasury, and AID continue to coordinate efforts on this subcommittee markup which will continue on Monday.

Labor/HEW: OMB reports that the House Labor/HEW bill (according to OMB about \$1.9 billion above the request) may be subject to a move to add about \$300 million in cancer funding (National Institutes of Health) during full committee markup next week.

-- Next Thursday, the Senate Labor/HEW Appropriations Subcommittee is scheduled to markup the bill. OMB believes the subcommittee will report a bill which is technically \$1 BILLION above the budget, but which will contain increases to controllable programs of \$600-\$700 million above the House bill (which would bring it roughly \$2.5 BILLION over the budget request).

-- OMB recommends that Secretary Califano be asked to contact appropriate House and Senate Members, notifying them that the Administration will oppose large add-ons to the bill.

*will do*

### 3. FARM BILL

-- On Monday, the Senate will debate the farm bill reported by the Committee on Agriculture, Nutrition and Forestry. The Committee's target price and loan level figures, particularly for wheat and feed grains are unacceptably high. Chairman Talmadge recognizes this and is sympathetic to our strategy of bringing the bill's costs more into line with the House Committee's bill both on the floor and in conference. However, since he is Chairman of the Committee and floor manager of the bill, he finds himself in the rather awkward position of having to advocate the provisions of the Committee bill which he does not support.

-- Our first thrust to improve the bill will involve an amendment by Budget Committee Chairman Muskie to substitute the House Agriculture Committee's crop year 1977 (FY 78) target prices for wheat. This will bring the cost of the bill within the 1978 Congressional Budget Resolution.

-- Next we intend to concentrate on reducing the Committee bill's loan levels for wheat and feed grains in the out years (FY 1979 and beyond) which are higher than the projected world market prices for those years.

-- Our goals are to make the Senate bill a more responsible measure and, ultimately, take some of the pressure off of Chairman Talmadge in making so many concessions in conference committee that he will be criticized for not upholding the Senate's position.

*agree*

4. UNIVERSAL VOTER REGISTRATION

-- We continue to hear pessimistic projections regarding the fate of U.V.R. on the Senate floor. Ed Hall, lead staff person in the Rules Committee, doubts we can get cloture. The Justice Department memos have been terribly damaging.

5. CLEAN AIR

*VP will help this one carry*

-- Clean Air in the House is still in trouble. The vote will come on Wednesday (after general debate on Tuesday). The vote count shows Dingell around 30+ votes ahead. We are sending a letter to the hill Monday, signed by Schlesinger and O'Leary, endorsing the controversial Title II auto emissions section. White House, EPA, CEQ, and Schlesinger's staff have been coordinating the effort on the hill. There is some momentum on our side, but UAW will press hard for Dingell's amendment.

6. AGENCY FOR CONSUMER PROTECTION

-- We have decided to move with the bill in the Senate first, and follow up in the House. Our prospects look slightly better in the Senate and moving there first will dilute the impact of the close Committee vote reporting the bill out in the House. However, we feel Senator Ribicoff has lost his enthusiasm for this bill and will need to be propped up. Many Senators have also told us they do not see the need for ACP now since you have appointed so many consumer advocates (e.g. Mike Pertschuk) to existing agencies.

-- This view is shared by a portion of the House leadership (Tom Foley). He also sees a vote against ACP as a way to recoup the vote for common situs picketing. We are in deep trouble in the House, almost as bad as Universal Registration.

7. INTERNATIONAL SECURITY ASSISTANCE AUTHORIZATION

-- The bill, originally scheduled for House floor action last week, has been rescheduled for next Monday. No Senate date is yet scheduled. In general, the State Department believes the bill is consistent with the President's program and/or can be successfully adjusted in conference. State intends to support the Committee bill and oppose all anticipated amendments which include: 1) a 10% FMS reduction (Rep. Harkin); 2) delete funds for Zaire (Rep. Bonker); 3) prohibit funds for Tanzania, Angola, Zambia and Mozambique (Rep. Crane (R)); 4) delete aid to Argentina (Rep. Studds); 5) strengthen prohibition on aid to repressive governments (Rep. Simon and; 6) strike Southern Africa Fund (Rep. Ichord).

8. ERDA AUTHORIZATION FOR FY 1978

-- The bill was reported by the House Science & Technology Committee last week. The following table outlines the major increases to the Administration's request:

(budget authority in millions of dollars)

	Project change in Base Program			
	1978	1979	1980	1981
Fossil Energy Research	104	298	448	348
Conservation Research	87	87	87	87
Liquid Metal Fast Breeder Reactor	173	378	467	460
Municipal Waste Processing Demon.	61	83	52	3

-- The bill has been referred to the House Armed Services Committee and the International Relations Committee. A Rules Committee hearing is not likely until early June



#### 9. HATCH ACT

-- In a late night session last Wednesday, the House postponed final action on the bill, primarily because Rep. Ashbrook (R-Ohio) offered a surprise anti-labor amendment which was adopted in a great deal of confusion (there were allegations by Members on the floor that the Administration supported the amendment which stated in part that no portion of any dues levied on membership of any employee organization could be used for any political purpose or by any political education or action committee). AFL-CIO and White House staff are working with the House leadership and Rep. Bill Clay (Chairman, Civil Service Subcommittee) in an attempt to reschedule floor action for next week -- maybe Thursday. Vote counts look good.

#### 10. MINIMUM WAGE

-- Labor Department reports that the major parties concerned with increasing the minimum wage will be prepared to resume serious negotiations after the Memorial Day recess. Labor believes once an agreement is reached on a figure between \$2.50 and \$3.00, other disagreements will be resolved fairly easily.

#### 11. TUNA/PORPOISE

-- The bill is scheduled for House floor action next Thursday. After the Administration's testimony (May 13), Chairman Murphy substantially rewrote the bill moving toward the Administration position. The reported bill does not go as far as we would like in limiting the number of kills allowed, nor in reducing the levels as rapidly as the Administration proposed. It is, however, a substantial improvement over Chairman Murphy's original bill and congressional liaison staff intend to work in support of the Committee bill.

-- Commerce reports that Sen. Cranston has refused to offer the Administration bill and his position is probably some place between the House bill and the Administration's position. Cranston's people believe that the Senate Commerce Committee would break 12/6 in favor of the industry on this issue. They also believe that the environmentalists will carry the vote on the Senate floor. This may mean that we will be facing a conference made up of House conferees leaning towards the industry position and Senate conferees presenting an environmental bill but personally disposed more towards the industry position. The final version, however, should be closer to the Administration's position than the House bill.

#### 12. STRIP MINING

-- You have received a memo dealing with the substantive aspects of the final Senate bill. However, you may be interested in how the Senate arrived at a compromise, which we believe is inadequate, on the owner consent issue. The compromise hammered out late Friday night provides for written consent by surface owners except where the Secretary finds that a coal lease would be in the "national interest." On Thursday, The Senate soundly defeated a Bumpers amendment to remove the right of written consent from the Committee bill entirely, but subsequently the Senator spoke with Secretary Andrus about the issue. On Friday afternoon, Bumpers introduced a slightly altered version of his amendment, claiming from the floor that the Secretary had told him that the Committee language was "unworkable." White House congressional liaison insisted that the Administration supported the Committee language, but because of the resulting confusion and heavy lobbying from the rural electric people, the second Bumpers amendment was narrowly approved. With cooperation from Sens. Robert Byrd, Melcher, and Hansen, we were able to get the matter reconsidered just before final passage and emerged with the compromise. Interior Department liaison staff were able to get a letter from Sec. Andrus (attached) reaffirming support for a strong owner consent provision, but its distribution was authorized too late to have significant impact or to clear up the Secretary's apparent earlier statement.



FLOOR ACTIVITIES FOR WEEK OF MAY 23

House

Monday -- 6 Bills Considered Under Suspension of Rules as follows:

- 1) S. 955, Federal Crop Insurance. To be managed by Rep. Ed Jones (Tenn), Chairman, Conservation and Credit Subcommittee (Agriculture).

Bill Summary: The bill increases the Federal Crop Insurance Corporation's capital stock limit to \$150 million from \$100 million. The stock will be purchased by the Treasury Department at the request of the Corporation's Board of Directors and with the approval of the Secretary of Agriculture. The bill was requested by the Agriculture Department and according to OMB, the Administration supports enactment.

- 2) H.R. 6258, Privacy Protection Study Commission. To be managed by Rep. Richardson Preyer, Chairman, Government Information & Individual Rights Subcommittee (Government Operations).

Bill Summary: The bill extends the life of the Privacy Protection Study Commission from July 10 to September 30, 1977. The bill would require no additional authorization of funds and would allow the Commission to complete a set of appendix volumes to supplement its final report. According to OMB, the Administration supports the bill.

- 3) H.R. 1862, Veterans Disability Compensation and Survivors Benefits Act. To be managed by Chairman Roberts (Veterans' Affairs).

Bill Summary: The bill increases, effective October 1, 1977, the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation for their survivors by 6%. The bill also raises by 6% the additional compensation given to dependents of veterans with service-connected disabilities of at least 50%. In addition, the bill grants an increase in the annual clothing allowance of approximately 6%. The Veterans Administration requested the measure, although, due to a lower projected inflation rate, it had initially requested an increase of 4.9%. The VA supports the Committee's revised figure of 6%.

- 4) H.R. 6501, Increased Compensation for Certain Disabled Veterans. To be managed by Chairman Roberts.

Bill Summary: The bill extends the principle of "paired organ" impairment to cover the loss of hands and feet. Thus, the bill provides that a veteran who has suffered the loss, or loss of use, of a hand or foot due to service-connected causes and who later suffers the loss, or loss of use, of the other hand or foot due to non-service-connected causes shall receive disability compensation at the rate applicable if both losses were service-connected. According to OMB, the Administration opposes the bill because it would result in a further departure from the basic purpose of disability compensation, which is to compensate veterans for disabilities actually incurred in or aggravated by military service.



- 5) H.R. 6502, Automobile Assistance for Disabled Veterans. To be managed by Chairman Roberts.

Bill Summary: The bill extends eligibility for the automobile assistance allowance and automotive adaptive equipment to disabled veterans of World War I. According to OMB, the Administration opposes the bill on grounds that the VA's automobile and adaptive equipment program was established to enhance veterans' employability, and, since WW I veterans are no longer of employable age, the program should not be extended to cover them.

- 6) H.R. 5645, Civil Rights Commission Authorization. To be managed by Rep. Don Edwards (Cal), Chairman, Civil & Constitutional Rights Subcommittee (Judiciary).

Bill Summary: The bill raises the authorization limit for the U.S. Commission on Civil Rights from the FY 1977 level of \$9.54 million to \$10.54 million for FY 1978. The additional money will cover the cost of increased employee salaries and benefits brought about last year by the federal pay increase, the cost of a study of age discrimination authorized in 1975, and uncontrolled increases in administrative costs. According to OMB, the Administration supports the bill.

- H.R. 6884, International Security Assistance Act. To be managed by Chairman Zablocki.

Tuesday &

Wednesday -- H.R. 6161, Clean Air Act Amendments of 1977. To be managed by Rep. Rogers.

Thursday -- H.R. 6970, Amendments to the Marine Mammal Protection Act of 1972 (Tuna/ Porpoise). To be managed by Chairman Murphy, Merchant Marine & Fisheries.

#### Senate

-- The Senate will take up the Farm Bill on Monday with no votes coming until Tuesday.

-- The Senate will next consider the Omnibus District Judgeship Bill. Not wanting to permit President Ford to appoint dozens of Republicans to the federal bench, last year Democrats prevented action on a similar bill to create additional district court judgeships throughout the country in response to increased caseloads. This year's bill should pass easily, despite the possibility that Republicans will offer an anti-busing amendment.

-- A final item definitely scheduled is the Tanker Safety Bill. The bill requires double bottoms on large oil tankers, with construction contracted for or actually started after January 1, 1978. The bill also requires gas inerting (cushioning an oil cargo with inert gas to minimize accidental explosions), segregated ballast (oil tanks kept separate from ballast tanks), and position-fixing navigation equipment by June 30, 1983. Other communications and navigation equipment would be required by June 30, 1979. The Secretary of Transportation could ban substandard domestic and foreign vessels from U.S. waters. DOT supports the bill, but has not as yet taken a position on a possible amendment by Sen. Hollings aimed at imposing a financial penalty on vessels which do not have segregated ballast and gas inerting systems after 1980.

#### SUMMARY

-- Several events occurred this week that highlight the need to strongly remind your Cabinet to stay with announced administration policy. Nothing makes the congressional liaison job of passing the President's program harder than a department or agency contradicting policy positions.





# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

20 May 1977

Honorable Lee Metcalf  
United States Senate  
Washington, D.C. 20510

Dear Senator Metcalf:

The Administration supports a strong surface owner consent provision in S. 7 where federally owned coal lies under a privately owned surface. This consent should be written, given before leasing, and available to a limited class of persons such as those specified by the reported bill.

I am aware that large amounts of coal are both available and under lease in the western United States. In my view, a right of consent for surface owners would not have a seriously adverse impact on the availability of coal and would be in accord with the public interest. In the last Congress, after a lengthy conference, H.R. 25 provided an appropriate right of consent for surface owners before federally owned coal could be mined. It included the payment of specified damages to surface owners subject to amount limitations which would avoid transfer of the total economic interest in coal to the surface owner.

Such surface owner protection is appropriate, and I hope the Senate can agree on a provision which will both incorporate such protection and avoid lengthy delay in the ultimate passage of this badly needed legislation.

Sincerely,

SECRETARY





120 PM

THE WHITE HOUSE

WASHINGTON

May 23, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: BARRY JAGODA **B.J.**

SUBJECT: Charles Blitzer Meeting  
1:20 pm Tuesday, May 24

Charles Blitzer seems to have integrity and, as Assistant Secretary for Arts and History at the Smithsonian, has extensive experience as an administrator in a government-supported humanistic environment. Although you may be somewhat disappointed by his mild manner, Blitzer is the only candidate (of the more than 80 interviewed) who satisfies the academics, has a genuine commitment to humanistic endeavors, understands the validity and political necessity of making the Endowment relevant to the broad population, and also is willing to take the job if you make him an offer. (Resume attached)

Assuming you decide to offer the post to Blitzer you may want to discuss the following:

- 1) Your commitment to developing a broad constituency for the Humanities by making the efforts of the Endowment more relevant to ordinary citizens. You might ask Blitzer if he has any thoughts on how this can be done and suggest that he keep you apprised of his efforts.
- 2) Your concern that the Endowment be made more vital by being shaken up a bit, that Congressional concerns about being responsive to state and local constituencies be given careful attention, and that jobs be filled with people--particularly blacks and women--who have surfaced through the selection process but who were not substantial enough to be selected Chairman. (Jagoda has a list of 4 or 5 very good people, some of whom were associated with our political campaign, who should be considered.)

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- 3) Private support should be generated for cultural affairs. Government can't provide all answers or money but can help with innovation and research which can be matched by the private sector. You have a commitment to cultural diversity and experimentation, but want to avoid waste.
- 4) You do not want a Cultural Czar or a "spokesperson" for the humanities but you want coordination and good relationships among your appointees in the cultural areas. It is important to work closely with Joe Duffey at the State Department's cultural affairs unit, with the Arts Endowment, with Labor's efforts to put people to work, with HEW, etc...
- 5) Blitzer should feel free to call you if necessary but he might find it more expeditious to work through Jagoda, Eizenstat, and Al Stern who is helping Stu on cultural matters. You would like to support cultural activities through your own participation only when an activity is of genuine interest to you. You don't want people inventing projects for you to be honorary chairman of or finding cultural activities for you to take part in unless there is serious personal interest. The best way for you to support arts and cultural activities is out of your natural inclinations.

# # # # #

cc:Hamilton Jordan  
Stu Eizenstat



Charles Blitzer  
617 A Street, N.E.  
Washington, D.C. 20002

Born: New York City, August 10, 1927

#### EDUCATION

B.A., Williams College, 1947, with Highest Honors; Phi Beta Kappa  
M.A., Ph.D., Harvard University, Department of Government

#### POSITIONS

1950-1960	Instructor-Assistant Professor of Political Science, Yale University
1955-1956	Rockefeller Foundation Fellow, Cambridge University
1956	Huntington Library Fellow
1960-1965	Executive Associate, American Council of Learned Societies
1960-1961	Lecturer, New School for Social Research
1963-1964	Visiting Professor, City University of New York
1963-1965	Staff Director, National Commission on the Humanities (ACLS, Phi Beta Kappa, Council of Graduate Schools)
1965-1968	Director of Education and Training, Smithsonian Institution
1968 - Present	Assistant Secretary for History and Art, Smithsonian Institution

#### OTHER ACTIVITIES

Alderman, 1st Ward of New Haven (1955-60)  
Board of Directors, Central Atlantic Regional Educational Laboratory (1966-68)  
National Advisory Council, Far West Laboratory for Educational Research  
and Development (1967-1969)  
Administrative Committee, Dumbarton Oaks, Harvard University (1968-75);  
Advisory Board (1975-Present)  
Chairman, Council for International Exchange of Scholars (1971-Present)  
Indo-U.S. Subcommission on Education and Culture (1974-Present); Chairman,  
Joint Museum Committee (1975-Present)



PUBLICATIONS

The Age of Power with C. J. Friedrich (Cornell University Press)

An Immortal Commonwealth (Yale University Press)

The Commonwealth of England ed. (Putnam)

The Age of Kings (Time-Life Books)



THE WHITE HOUSE  
WASHINGTON

May 23, 1977

Jack Watson

The attached was returned in  
the President's outbox. It is  
forwarded to you for appropriate  
handling.

Rick Hutcheson

Re: Briefing by Secretary Vance

cc: Z. Brzezinski  
Tim Kraft

THE WHITE HOUSE  
WASHINGTON

ACTION	FYI		
		MONDALE	ENROLLED BILL
		COSTANZA	AGENCY REPORT
		EIZENSTAT	CAB DECISION
		JORDAN	EXECUTIVE ORDER
		LIPSHUTZ	Comments due to
		MOORE	Carp/Huron within
		POWELL	48 hours; due to
	X	WATSON	Staff Secretary
			next day

	FOR STAFFING
	FOR INFORMATION
X	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

	ARAGON		X	KRAFT
	BOURNE			LANCE
X	BRZEZINSKI			LINDER
	BUTLER			MITCHELL
	CARP			POSTON
	H. CARTER			PRESS
	CLOUGH			B. RAINWATER
	FALLOWS			SCHLESINGER
	FIRST LADY			SCHNEIDERS
	GAMMILL			SCHULTZE
	HARDEN			SIEGEL
	HOYT			SMITH
	HUTCHESON			STRAUSS
	JAGODA			WELLS
	KING			VOORDE



THE PRESIDENT HAS SEEN.  
THE WHITE HOUSE  
WASHINGTON

MEMORANDUM TO: THE PRESIDENT

FROM:

Jack Watson  
Jane Frank *Jane*

May 20, 1977

RE:

Cabinet Summaries for the Week  
of May 15 through 20, 1977

We attach summaries received from the following departments:

Agriculture  
CEA  
Defense  
HEW  
HUD  
Interior

Justice  
Labor  
Transportation  
Treasury  
UN

As you may recall, a scheduled April 18 evening briefing of the Cabinet by Cy Vance was postponed. One attempt to reschedule it failed because Cy was preparing for his European trips. No doubt the Cabinet will be even more interested now that he has completed those trips, and we recommend another effort to reschedule. If you agree, would you like to suggest the idea to Cy?

Reschedule ✓

Do not reschedule \_\_\_\_\_

Person to inform Cy Watson *J*

CC: The Vice President

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THE PRESIDENT HAS SEEN.

THE WHITE HOUSE

WASHINGTON

May 23, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: FRANK MOORE

SUBJECT: The Senate Farm Bill

On Tuesday the Senate will vote on proposed amendments to the farm bill. As you know, the Agriculture Committee bill's cost is unacceptably high due primarily to the target price and loan level provisions for wheat and feed grains.

Our chances of improving the bill on the Floor are not good. The Republicans want a veto for political purposes and the Democratic Senators from big wheat-producing states are under tremendous pressure to push for even higher levels.

We can be cautiously optimistic about only one Administration-backed amendment: Senator Muskie's proposal to substitute the House Agriculture Committee's current crop year target price for wheat.

Muskie will also offer a second amendment which is aimed at substituting the House Agriculture Committee's target prices and loan rates for wheat and feed grains in the "out" years of FY 79, FY 80, FY 81, and FY 82. However, he will not seek a vote on this amendment. He will withdraw it after he has made a record which, hopefully, will make it easier for the Senate conferees to accept the House provisions in Conference.

Senator Clark is being urged to propose an amendment to lower the loan rates for for wheat and feed grains in the "out" years.

We are not pursuing any amendment that we do not have a good chance of carrying. A big record vote against us on a specific provision would make it even more difficult for the Senate conferees to come around to our position in Conference.

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THE WHITE HOUSE  
WASHINGTON

May 23, 1977

Hamilton Jordan -

The attached was returned in the  
President's outbox and is forwarded  
to you for your information.

Rick Hutcheson

Re: Proposed Letter to Marvin Durning

cc: Mark Siegel

THE WHITE HOUSE  
WASHINGTON

ACTION  
FYI

	MONDALE
	COSTANZA
	EIZENSTAT
X	JORDAN
	LIPSHUTZ
	MOORE
	POWELL
	WATSON

	ENROLLED BILL
	AGENCY REPORT
	CAB DECISION
	EXECUTIVE ORDER

Comments due to  
Carp/Huron within  
48 hours; due to  
Staff Secretary  
next day

	FOR STAFFING
	FOR INFORMATION
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	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

	ARAGON
	BOURNE
	BRZEZINSKI
	BUTLER
	CARP
	H. CARTER
	CLOUGH
	FALLOWS
	FIRST LADY
	GAMMILL
	HARDEN
	HOYT
	HUTCHESON
	JAGODA
	KING

	KRAFT
	LANCE
	LINDER
	MITCHELL
	POSTON
	PRESS
	B. RAINWATER
	SCHLESINGER
	SCHNEIDERS
	SCHULTZE
X	SIEGEL
	SMITH
	STRAUSS
	WELLS
	VOORDE



THE WHITE HOUSE  
WASHINGTON

*Mr. President - -*  
SUSAN:

This is the letter that Mark  
Siegel would like the President  
to send to Mr. Durning - he's  
the guy who lost the special  
election for Brock Adams seat.

Becky

THE WHITE HOUSE  
WASHINGTON

May 20, 1977

*Ham  
no  
J*

To Marvin Durning

I want you to know how very sad I was for you personally and for your district when I learned of the results of the special Congressional election.

You put up a good fight, and I especially appreciate your positions with respect to my policies. I know your future will be bright.

Sincerely,

Mr. Marvin Durning  
3740 East John  
Seattle, Washington

**Electrostatic Copy Made  
for Preservation Purposes**



May 20, 1977

To Marvin Durning

I want you to know how very sad I was for you personally and for your district when I learned of the results of the special congressional election.

You put up a good fight, and I especially appreciate your positions with respect to my policies. I know your future will be bright.

Sincerely,

Mr. Marvin Durning  
3740 East John  
Seattle, Washington

JC/ms/bh

2002



4:30 p.m.

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THE PRESIDENT HAS SEEN.

THE WHITE HOUSE  
WASHINGTON

May 23, 1977

*C*

MEMORANDUM FOR

THE PRESIDENT

FROM

STU EIZENSTAT *Stu*

SUBJECT:

Briefing Memorandum for Meeting with  
Members of Congress on Water Projects

STATUS OF WATER PROJECT APPROPRIATIONS BILL:

- House Appropriations Subcommittee on Public Works reported out bill May 3 which was not responsive to your recommendations for 18 water project deletions and 5 modifications.
- Full House Appropriations Committee mark-up scheduled for May 25.
- Floor vote in House expected Friday, June 10.
- Senate action will follow.
- Frank Moore's staff has been working to orchestrate an Administration floor amendment for June 10 which encompasses all of your recommendations.
- One vote already held in House -- on an amendment to cut \$100 million out of water project Budget target -- indicates we could sustain a veto of the appropriations bill (the amendment failed, 143-252).
- The breeder reactor funding will be in same appropriations bill.
- Congressman Jim Wright has warned against a veto.

REVIEW OF YOUR RECOMMENDATIONS:

- 18 deletions and 5 modifications would save nearly \$200 million in FY78 and \$4 billion total.

- You have asked OMB, CEQ and the Water Resources Council to develop broad water policy reforms. Preliminary work is under way (dam safety, improved project evaluation criteria, alternative public works, water conservation).

A RELATED ISSUE:

- Lock and Dam 26: on a related issue, Secretary Adams has conveyed to the Congress your intent to veto a Lock and Dam 26 authorization bill which does not include user fees and which does not provide for examination of rehabilitation alternatives. A bill contradictory to Administration position has been reported out of Senate committees. No action yet in House.

DETAILS OF SUBCOMMITTEE ACTION ON WATER PROJECTS:

- While Congressmen may note that the subcommittee was partially responsive to your recommendations, seventeen of eighteen recommended deletions were funded, and none of the five recommended modifications were subject to funding changes.



Recommendation for Deletion

		Original FY78 Request (millions)	Total Savings (millions)
1.	Applegate Lake, Oregon (COE)	7.4	74.0
2.	Atchafalaya River and Bayous Boeuf, Black & Chene, Louisiana (COE)	5.1	10.1
3.	Bayou Bodcau, Louisiana (COE)	2.4	10.0
4.	Cache Basin, Arkansas (COE)	2.0	88.5
5.	Grove Lake, Kansas (COE) ←	1.0	83.9
6.	Hillsdale Lake, Kansas (COE)	14.0	38.6
7.	LaFarge Lake, Wisconsin (COE)	2.0	36.9
8.	Lukfata Lake, Oklahoma (COE)	0.2	29.6
9.	Meramec Park Lake, Missouri (COE)	10.0	88.7
10.	Richard B. Russell, Georgia South Carolina (COE)	21.0	254.9
11.	Tallahala Creek, Mississippi (COE)	5.0	52.0
12.	Yatesville, Kentucky (COE)	7.2	42.7
13.	Columbia Dam, Tennessee (TVA)	20.0	110.4
14.	*Auburn, California (BR)	39.7	898.6
15.	Fruitland Mesa, Colorado (BR)	7.7	82.5
16.	*Narrows Unit, Colorado (BR)	9.7	139.2
17.	*Oahe, South Dakota (BR)	17.0	414.4
18.	Savery-Pot Hook, Colorado, Wyoming (BR)	6.0	71.3
	TOTAL SAVINGS	\$ 177.4	\$ 2,526.3

\*Further analysis might eventually lead to reinstatement or modification -- see specific recommendations.

Recommendation for Modification

		Cost to Complete Original Plan (millions)	Estimated Savings Due to Modification (millions)
1.	Mississippi River, Gulf Outlet Louisiana (COE)	282.8	24.0
2.	Tensas Basin, Arkansas and Louisiana (COE)	186.3	135.0
3.	Bonneville Unit, Central Utah Project, Utah (BR)	687.6	659.8
4.	Central Arizona Project, Arizona (BR)	1,280.3	333.0
5.	Garrison Diversion, North Dakota (BR)	436.4	302.0
		\$ 2,873.4	\$ 1,453.8

Recommendation for Continued Funding

		FY1978 Request (millions)	Remaining Federal Cost (millions)
1.	Dayton, Kentucky (COE)	2.9	7.2
2.	Fulton, Illinois (COE)	4.2	12.0
3.	Red River Waterway, Louisiana (COE)	26.0	815.9
4.	Tennessee-Tombigbee Waterway, Alabama and Mississippi (COE)	157.0	1,144.4
5.	Tyrone, Pennsylvania (COE)	1.5	27.5
6.	Bear Creek, Alabama and Mississippi (TVA)	18.6	22.4
7.	Dallas Creek, Colorado (BR)	12.2	46.3
8.	Dolores, Colorado (BR)	5.7	183.4
9.	Lyman, Wyoming (BR)	4.1	9.9
		\$232.2	\$ 2,269.0

I intend to cooperate with the Congress in accomplishing reform in the water resources area, and I hope that the Congress will cooperate with me in eliminating wasteful and destructive spending on water projects.

Individual sheets detailing the recommendations and other information on each of the 32 projects follow.



THE WHITE HOUSE

WASHINGTON

May 4, 1977

Kathy

MEMORANDUM FOR: THE PRESIDENT

FROM: THE VICE PRESIDENT  
STU EIZENSTAT *Stu*  
FRANK MOORE

SUBJECT: Water Projects Funding

This memorandum reviews the current status of funding for the deleted and modified water projects and makes recommendations about how the Administration should proceed. It is based on communications with Secretary Andrus, OMB and Frank Moore.

I. STATUS

A. House

Yesterday, the Public Works Subcommittee reported to the full Appropriations Committee the FY'78 Appropriations Bill for water projects (Bureau of Reclamation and Corps of Engineers). The Subcommittee's bill recommends full funding for all but one of the deleted projects (Grove Lake in Kansas); it also includes language recognizing safety and environmental problems with five of the projects, but the language is cautionary and involves no budget savings.

The full Appropriations Committee will markup the Subcommittee's bill on May 25. The Committee is expected to follow the Subcommittee's recommendations and provide virtually full funding for the projects.

If the Committee does that, the full House can be expected to follow, if the vote last week on an amendment offered at the instance of the Administration is any indicator. That amendment, offered by Representatives George Miller (D-California) and Dave Emery (R-Maine) would have eliminated from the First Concurrent Budget Resolution, \$100 million from the funding of water projects. The Amendment was soundly defeated, 252 to 143.



That vote indicates on a preliminary basis, the baseline support we would probably have in the House when the same issue is raised in the appropriations bills. Some greater support on the House Floor can be expected, though, if a more intensive lobbying effort is employed. (Of the 55 members on the full House Appropriations Committee, only eight voted for the Miller-Emery Amendment).

The full House will consider the water projects appropriation bill sometime between June 9 and June 24, when all appropriation bills are now scheduled for consideration.

B. Senate

The Senate Appropriations Committee will take no action on funding for FY'78 until the House completes its action. However, it is possible to get some idea of the level of support for the Administration's position on water projects. By looking at the Johnston Amendment, which mandated the expenditure of all appropriated water project funds in FY'77.\* That amendment was overwhelmingly passed, 65-24. Since then, there has been no indication that our support in the Senate on this issue has increased.

II. RECOMMENDATIONS FOR ADMINISTRATION ACTION

A. 1977 Funds

It is our judgment that we should not recommend any deferrals or rescissions for 1977 funds already appropriated for these projects but rather, for the following reasons, we should seek support for our position on 1978 funds:

-- The action by the Senate on the Johnston Amendment indicated the Senate's intentions with respect to 1977 funds. The House/Senate conferees on the Jobs Bill accepted the Senate language requiring the President to make available all funds appropriated in 1977 for water projects, notwithstanding the provisions of the Budget and Impoundment Control Act.

-- A deferral or rescission amounts to an impoundment and could be overridden by a simple majority in either House. On the other hand, if the

\* with the exception of Meramac Park Lake



1978 appropriations bill were vetoed that veto could be overridden only by a 2/3 vote in each House. If the rescission route were pursued, we would not only be weakening our position for the 1978 appropriations fight but would be faced with a Congress which views the rescissions as an improper impoundment.

-- Based on the presumed availability of the 1977 appropriated funds, contracts have already been let, and persons are working on the projects. However, some bids have not been let: the Bureau of Reclamation could save \$33.4 million of 1977 money if Congress approved a deferral.

-- With the exception of Meramac Park Lake, it was indicated, in the announcement of your final decision, that no rescissions or deferrals would be sought for appropriated 1977 funds.

-- Despite the foregoing, Secretary Andrus believes the Administration has an obligation to seek rescissions and deferrals on projects we have carefully determined are unjustified; in his view that lack of justification does not begin with 1978. He recognizes, though, that such a course has political problems.

#### B. 1978 Funds

We think it is clear that our emphasis must be placed on 1978 funds, and we recommend the following strategy:

1) We initially considered the possibility of issuing a statement criticizing the work of the Public Works subcommittee of the House Appropriations Committee. However, Frank Moore feels that this would not help our cause. He recommends instead, and we agree, that you should send a personal letter to each member of the full Appropriations Committee indicating the seriousness with which you view the need to delete funding for the projects. The letter should emphasize the budgetary, rather than environmental, reasons for our position. Attached is a suggested draft of such a letter; it does not directly threaten a veto.

2) In both Appropriations Committees and on both the Senate and House floors, we would secure sponsors to delete all 18 projects. We do not



believe we should be in the position of offering amendments to delete only some of the projects; that would appear to place the Administration in the posture of further conceding.

3) At an appropriate time, you might call in the Senate and House Appropriations Committees to stress your strong feelings on this matter and to begin the process of consultation on new criteria for water projects, which we have promised.

4) If the Appropriations Bill (which will ultimately contain appropriations for ERDA, TVA, Corps of Engineers, Bureau of Reclamation, a part of the Interior, the Appalachian Regional Commission, the Federal Power Commission and the Nuclear Regulatory Commission) includes funding for an unacceptable number of water projects, a veto could be used, with a veto statement indicating that the only concern you had with the full Appropriations Bill was the water resources portion.

Frank Moore believes we would have a decent chance of sustaining such a veto in the House, which would vote first in an override.

5) Expressions of concern from you, the Vice President, and Secretary Andrus in the interim can be effectively used before the floor votes in the House and Senate. In addition, privately the leadership should be told explicitly that a veto is likely, so there can be no complaint that Congress did not know your intentions.



DRAFT LETTER TO MEMBERS OF THE HOUSE APPROPRIATIONS  
COMMITTEE

Dear :

I am deeply disappointed by the failure of the Subcommittee on Public Works to include my recommendations on eliminating unnecessary water projects in the bill they have reported out on May 3 to the full Committee on Appropriations.

My recommendations, announced April 18, were the result of a thorough and detailed review. They would save the American taxpayer nearly \$4 billion, including nearly \$200 million in FY 1978.

If wasteful spending is to be curtailed and the Budget balanced by FY 1981, the Congress will have to assist me in eliminating needless and counterproductive projects and programs. I look forward to working with you to achieve these goals.

Sincerely,



THE WHITE HOUSE  
WASHINGTON

May 23, 1977

Bob Lipshutz  
Frank Moore  
Stu Eizenstat  
Jack Watson

Re: Publication of Intelligence  
Community Budget

For your information, the attached letter was signed by the President and has been given to Bob Linder for appropriate delivery to Senator Inouye.

Rick Hutcheson

THE WHITE HOUSE  
WASHINGTON

ACTION	FYI		
		MONDALE	ENROLLED BILL
		COSTANZA	AGENCY REPORT
	X	EIZENSTAT	CAB DECISION
		JORDAN	EXECUTIVE ORDER
	X	LIPSHUTZ	Comments due to
		MOORE	Carp/Huron within
		POWELL	48 hours; due to
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			next day

	FOR STAFFING
	FOR INFORMATION
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	IMMEDIATE TURNAROUND

	ARAGON		KRAFT
	BOURNE		LANCE
	BRZEZINSKI		LINDER
	BUTLER		MITCHELL
	CARP		POSTON
	H. CARTER		PRESS
	CLOUGH		B. RAINWATER
	FALLOWS		SCHLESINGER
	FIRST LADY		SCHNEIDERS
	GAMMILL		SCHULTZE
	HARDEN		SIEGEL
	HOYT		SMITH
	HITCHESON		STRAUSS
	JAGODA		WELLS
	KING		VOORDE



85/23/77

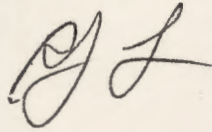
THE WHITE HOUSE

WASHINGTON

May 23, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: Bob Lipshutz



Pursuant to the discussion this morning among you, Attorney General Bell and myself, I have prepared the attached letter from you to Senator Inouye, which I assume you will find in order. Unless you advise me differently, I will assume that you have forwarded this to Senator Inouye.

Also attached is a slightly revised memo of law prepared by the Attorney General which is essentially the same as the earlier one dated May 19 which I forwarded to you on May 20. Since the Senate Select Committee on Intelligence will take this matter up on Wednesday of this week, I assume that you wish to give this your early attention.



THE WHITE HOUSE

WASHINGTON

May 23, 1977

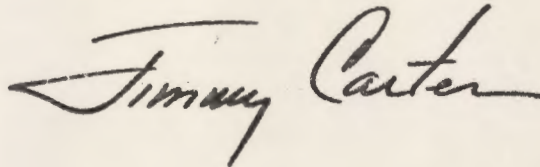
To Senator Inouye

At our recent meeting an inquiry was made relative to the legality of publishing Intelligence Community budget figures.

I requested the Attorney General to give me a legal opinion concerning this matter and wish to report to you as follows:

The Attorney General advises that the Constitution does not require public disclosure of the aggregate authorization or appropriation figure, nor does it require publication of an account of the expenditures of the intelligence agencies, individually or as a whole. However, Congress in its discretion can decide as a matter of policy to make public any of these figures.

Sincerely,

A handwritten signature in dark ink, reading "Jimmy Carter". The signature is written in a cursive style with a large, sweeping "J" and a long, horizontal flourish at the end.

The Honorable Daniel K. Inouye  
Senate Select Committee on Intelligence  
United States Senate  
Washington, D.C. 20510



---

THE WHITE HOUSE  
WASHINGTON

please send bcc of  
corrected copy to  
bob lipshutz

thanks

---

THE WHITE HOUSE

WASHINGTON

May 23, 1977

To Senator Inouye

At our recent meeting, an inquiry was made relative to the legality of publishing ~~the~~ Intelligence Community budget *figures*.

I requested the Attorney General to give me a legal opinion concerning this matter and wish to report to you as follows:

The Attorney General advises [that it is not illegal for the Congress, or its Committees, to publish an accounting of CIA or intelligence community figures, neither in the aggregate appropriation figures nor in the individual accounts of expenditures. Neither is there any requirement that such figures be published. The Congress in its discretion can decide as a matter of policy to make public either the aggregate figure or the individual accounts, or both, using its own judgment and discretion.]

Sincerely,

The Honorable Daniel K. Inouye  
Senate Select Committee on Intelligence  
United States Senate  
Washington, D. C. 20510

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Office of the Attorney General  
Washington, D. C. 20530

May 23, 1977

MEMORANDUM FOR THE PRESIDENT

Re: Publication of Intelligence Community Budget

You have asked for our opinion on the question whether the Constitution requires that certain figures relating to appropriations and expenditures of the intelligence community be made public. The question arises in connection with a proposal being considered by the Senate Select Committee on Intelligence to publish the aggregate amounts of funds appropriated or authorized for the intelligence agencies.

[It is our opinion] that the Constitution does not require public disclosure of the aggregate authorization or appropriation figure, nor does it require publication of an account of the expenditures of the intelligence agencies, individually or as a whole. However, Congress in its discretion can decide as a matter of policy to make public any of these figures.

Discussion of the question of disclosure of the intelligence budget or expenditures in the past has focused on the Central Intelligence Agency (CIA). Under present law, the CIA, in the performance of its functions, is authorized to transfer to and receive from other Government agencies such sums as may be approved by the Office of Management and Budget (OMB), without regard to limitations on appropriations made to the agency from



which the funds are transferred or other laws and regulations governing the expenditure of Government funds. Expenditures of funds for objects of a confidential, extraordinary, or emergency nature are to be accounted for solely on the certificate of the Director. See 50 U.S.C. §§ 403f(a) and 403j(b).

Each year, the Treasury Department publishes a Combined Statement of Receipts, Expenditures, and Balances of the United States Government. The Combined Statement contains no entry for the CIA, the National Security Agency, or certain other intelligence units within the Department of Defense. The figure for the total funds received and expended by the Government apparently is accurate, but some funds listed as expended by particular agencies represent the funds transferred to the CIA. Foreign and Military Intelligence, Final Report of the Senate Select Committee on Intelligence, 94th Cong., 2d Sess. 370 (1976).

The question is whether this manner of authorization, appropriation, and accounting of intelligence funds is consistent with Article I, Section 9, Clause 7 of the Constitution, which provides:

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

#### Authorization

As is evident, the clause says nothing at all with respect to authorizing legislation, and we are not aware of any arguments drawn from the Constitution to suggest that a specific figure authorized to be appropriated



for particular activities must be stated in legislation. It is not uncommon, for example, for statutes establishing Government programs to provide authorization for appropriation of such funds as are necessary to carry out the programs. This is the approach taken with the CIA, which is authorized to receive such funds as may be approved by OMB to carry out its functions.

#### Appropriation

The first portion of the clause from the Constitution quoted above--providing that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law"--was intended as a restriction on the disbursing of public funds by the Executive Branch. Cincinnati Soap Co. v. United States, 301 U.S. 308, 321 (1937); Reeside v. Walker, 11 How. 271, 290 (1850); 2 Story, Commentaries on the Constitution of the United States, § 1348 (2d ed. 1851). It makes no mention of a requirement that information regarding appropriations must be published, nor is its primary purpose to inform the public. Its purpose is instead to ensure that the expenditure of public funds is controlled by Congress and not left to the unfettered discretion of the Executive. Thus, in my opinion, there is no requirement that the total figure appropriated for the intelligence community or for the CIA be made public.<sup>1/</sup> See also Harrington v. Bush (D.C. Cir., Feb. 18, 1977), Slip Opinion at 4-7.

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<sup>1/</sup> In 1811, only some twenty years after the Constitution was adopted, President Madison (who was a delegate to the Constitutional Convention) sent a confidential communication to Congress outlining his recommendation that he be authorized to take possession of parts of Spanish Florida.

(Cont'd p. 4)



Moreover, it appears that the terms of the constitutional requirement regarding appropriations are satisfied with respect to the CIA. Congress has authorized the transfer of such funds from other agencies as may be necessary to carry out the CIA's functions. The annual appropriation for the other agencies involved is then made on the assumption that a portion of the funds will be transferred to the CIA as contemplated by the authorization. Thus, it seems clear that the funds drawn from the Treasury for CIA operations are "in Consequence of Appropriations made by Law" within the meaning of the Constitution.

It has been suggested, however, that the method of appropriation is constitutionally defective because the funds are not appropriated directly to the CIA but are instead administratively transferred. We believe this contention is without merit. The Supreme Court has held that the Constitution does not require that an appropriation act state the particular uses to which appropriated funds may be applied and that Congress may simply provide that the funds may be spent for the authorized functions of the entity to which they are appropriated. Cincinnati Soap Co. v. United States, 301 U.S. at 321-22.

Surely if the CIA were part of the Department of Defense, there could be no contention that the act appropriating funds for Defense functions

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(Cont'd from p. 3)

Congress then passed a secret act, appropriating one hundred thousand dollars for the occupation and forbidding publication of the appropriation act. See Miller, Secret Statutes of the United States (1918). This indicates an early understanding that appropriations may properly be secret when circumstances warrant.



generally was constitutionally defective if it did not state the amount that would be available specifically for intelligence functions or if it left that decision to the discretion of the Secretary of Defense. The only distinction here is that Congress has chosen to establish the CIA as a separate agency and place administrative authority for the allocation of funds to the CIA in the Office of Management and Budget. This is a distinction without constitutional significance. The holding in Cincinnati Soap Co. v. United States, *supra*, is that Congress need not specify in an appropriation act the uses to which the funds are to be put and may vest in an Executive Branch official the power to allocate the funds. We see no basis for concluding that the Executive Branch official charged with allocating the funds is required by the Constitution to be in the agency to which the funds were appropriated. The Constitution vests all Executive power in the President, and OMB presumably acts on the President's behalf in allocating funds from one subordinate agency to the other for intelligence purposes.

The argument advanced by some that Congress may not make a secret appropriation to the CIA is really but a variant of the argument that Congress must specify the purposes for which funds are appropriated and cannot vest the authority to allocate such funds to proper uses in Executive Branch officials, and must be rejected for similar reasons.

#### Statement of Receipts, Expenditures and Balances

The remaining issue is whether the Government must include either an aggregate figure or a more detailed accounting of expenditures by the



CIA or the intelligence community in the "Statement and Account of the Receipts and Expenditures of all public Money" which the Constitution requires to be published "from time to time." This issue has not been raised directly at the present time, because the Senate Select Committee on Intelligence is considering release of the authorization or appropriation figures. The "Statement and Account" reflects expenditures already made. If CIA or intelligence figures must be identified in this publication, the requirement would not be satisfied by the Senate Committee's release of the authorization or appropriation figure. But it is our conclusion that the Constitution does not require that there be a public accounting of CIA or intelligence community funds.

The origins of the constitutional requirement that an account of receipts and expenditures be published make clear that its purpose is to inform the public on these matters. See, e.g., 3 M. Farrand, The Records of the Federal Convention of 1787, pp. 326-27 (1911). In determining the manner in which an accounting will be made, Congress should to the extent practicable seek to further the constitutional purpose of enabling the public fully to understand the fiscal operations of the Government. But this does not mean that Congress is required by the Constitution to provide for any specific degree of disclosure. The form and detail of disclosure is essentially left to the discretion of the Congress.<sup>2/</sup> Harrington

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<sup>2/</sup> It is instructive in this regard that in accounts issued early in the Nation's history, certain expenditures were apparently identified only in very general categories, such as "diplomatic department," "military department," "trade with the Indians," and so on. Such early interpretations of constitutional provisions are generally accorded great weight in determining what the Constitution requires.



v. Bush, supra, Slip Opinion at 4-5. See also United States v. Richardson, 418 U.S. 166, 178 n. 11 (1974); 2 Farrand, at 619.

Moreover, it seems clear that the necessity for confidentiality may properly be taken into account by the Congress in determining what should be published. The need for secrecy with respect to certain accounts appears to have been explicitly recognized during the debates on the clause in Virginia. George Mason objected that the requirement that the publication be made "from time to time" might permit accounts to be withheld from the public altogether. He stated that "The reason urged in favor of this ambiguous expression was, that there might be matters which require secrecy." 3 J. Elliot, Debates on the Federal Constitution 459 (1836). This suggests that while certain accounts might perhaps be published after the need for secrecy has passed, there is no rigid requirement of contemporaneous publication.

This understanding is reflected as well in acts of Congress passed in 1790 and 1793 which appropriated money for the broad category of "intercourse between the United States and foreign nations," and permitted an accounting on the certificate of the President of any amount that he thought it advisable not to specify in detail. 1 Stat. 128, 299. The Third Congress appropriated some \$1,000,000 for this purpose of dealing with foreign nations--some 14 percent of the Federal budget at the time--and directed the President to furnish the Congress with an account of the expenditures. 1 Stat. 345. The accounting was supplied in confidence, and the House of Representatives only later voted to lift the injunction of secrecy. 6 Annals of Congress 2235,



2238. This again indicates an understanding that secrecy in accounting was appropriate. It also suggests that the requirement for publication of accounts should perhaps be read together with the requirement in Article I, Section 5 of the Constitution that each House publish a journal of its proceedings from time to time "excepting such parts as in their Judgment require Secrecy." See also 3 Farrand, supra, at 311.

The 1793 act permitting an accounting of expenditures for intercourse with foreign nations or treaty negotiations to be made by certificate whenever the President or the Secretary of State believed it advisable was enacted as permanent legislation, 1 Stat. 300, and it has been carried forward to the present day. 31 U.S.C. § 107. There are other provisions for certificate accounting of confidential expenditures currently in effect as well. 28 U.S.C. § 537; 42 U.S.C. § 2017(b).

It has been suggested, however, that this longstanding practice of permitting an accounting by certificate when circumstances warrant does not constitute precedent for the secret accounting of CIA expenditures because in the other situations, the appropriations for confidential purposes have been identified in the appropriations act and have not constituted the entire budget of an agency. Instead, the agency head is permitted to certify the amount only of certain expenditures he considers it advisable not to specify in detail. Note, 84 Yale L.J. 608, 617-18 (1975). Presumably, under this analysis the Constitution would not require that the intelligence expenditures by the Defense, State, or Treasury Departments for which confidentiality is required be included in the accounting for



those agencies' expenditures because at least the total of their expenditures is identified and a detailed accounting is provided in those areas where confidentiality is not required.

We believe this argument elevates form over substance by attaching constitutional significance to the fact that Congress has chosen to establish the CIA as a separate agency. It is true that Congress has as a matter of tradition elected to require an accounting by each "head of appropriation"--i.e., by each agency<sup>3/</sup>--but this does not mean that the Constitution requires that this be done. We see no reason, for example, why Congress could not require an accounting on a functional basis instead, by lumping together all Government expenditures for consumers, farmers, labor, business, housing, health, etc., in separate categories without regard to the agency involved.

The importance of the precedents for secret funding, then, is not that Congress, until the CIA was established, had always required a public accounting of at least the total expenditures for each agency. Rather, the precedents establish that Congress has the latitude to permit or require a secret accounting in the manner it judges to be appropriate to protect the national security. In the case of the CIA, Congress has determined that even the total of expenditures should be withheld from the public on national security grounds.

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<sup>3/</sup> 2 Annals of Cong. 302 (1792); 31 U.S.C. §§ 1029. Note, 84 Yale L.J. at 616-17.



The one Supreme Court case involving the Statement and Account Clause concerned the CIA appropriation, and the Court appeared to be impressed by the fact that there had been secrecy in the appropriations and accounting process in the past. The Court did not reach the merits of the argument that the clause requires disclosure of the CIA budget because it concluded that an individual citizen has no standing to raise the claim. But the Court stated:

While the available evidence is neither qualitatively nor quantitatively conclusive, historical analysis of the genesis of cl. 7 suggests that it was intended to permit some degree of secrecy of governmental operations . . . .

Not controlling, but surely not unimportant, are nearly two centuries of acceptance of a reading of cl. 7 as vesting in Congress plenary power to spell out the details of precisely when and with what specificity Executive agencies must report the expenditure of appropriated funds and to exempt certain secret activities from comprehensive public reporting. United States v. Richardson, 418 U.S. at 178 n. 11.

A recent opinion by the Court of Appeals for the District of Columbia goes even further, stating that the Statement and Account Clause is not self-defining and that Congress has plenary power to define the requirements of the clause and to create exceptions to the disclosure requirement such as that for the CIA. Harrington v. Bush, supra, Slip Opinion at 4-5.

We certainly do not find in either of those cases any suggestion that the current manner of appropriating and accounting for CIA funds is unconstitutional. The clear import of both cases is precisely to the contrary. If this is true with respect to CIA expenditures, we do not see any basis for concluding that aggregate expenditures for the entire intelligence



community must be reported in a public accounting. Congress should have the same discretion to consider requirements of secrecy with respect to this broader figure as well.

As the determination of what accounts will be published is to be made by the Congress, it is our opinion that the constitutionality of any particular manner of accounting presents a "political question" which could not be resolved by a court even if the Supreme Court were to conclude that an individual might have standing to initiate a lawsuit for this purpose.<sup>4/</sup> Two of the primary criteria that the Supreme Court has stated should be applied in determining whether a case presents a political question are whether there is "a lack of judicially discoverable and manageable standards for resolving it" and whether it would be impossible to decide the question "without an initial policy determination of a kind clearly for nonjudicial discretion." Baker v. Carr, 369 U.S. 186, 217 (1962). If Congress' determination with respect to disclosure of the intelligence component of overall defense and foreign relations expenditures were subject to judicial review, then presumably Congress' judgment with respect to

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4/ The District Court in the Richardson case, in addition to holding that the plaintiff had no standing to challenge the method of accounting for CIA expenditures, also held that the case presented a political question that could not be resolved by a court. The Court of Appeals and Supreme Court did not reach this issue, but the Supreme Court did express doubt that "the Framers of the Constitution ever imagined that general directives to the Congress or the Executive would be subject to enforcement by an individual citizen." 418 U.S. at 178 n. 11. This appears to suggest that the Court viewed the issue as inappropriate for judicial resolution.



other aspects of the accounting for all Federal expenditures would be as well. There are obvious practical difficulties in articulating "discoverable and manageable standards" regarding the form and detail required in an accounting of a Federal budget totaling hundreds of billions of dollars. Furthermore, in the present situation, an "initial policy determination" would have to be made regarding the weight to be accorded the national security risks inhering in making the overall CIA or intelligence community expenditures public. That determination is for the Congress.

In sum, it is our conclusion that whether a published accounting of CIA or intelligence community figures should be made is a matter for the judgment of the Congress.

*Griffin B. Bell*

Griffin B. Bell  
Attorney General



THE WHITE HOUSE  
WASHINGTON

May 23, 1977

Hamilton Jordan -

The attached was returned in  
the President's outbox. It is  
forwarded to you for appropriate  
handling.

Rick Hutcheson

Re; Asst. Director ACDA  
John Newhouse

THE WHITE HOUSE  
WASHINGTON

ACTION	FYI		
		MONDALE	ENROLLED BILL
		COSTANZA	AGENCY REPORT
		EIZENSTAT	CAB DECISION
	X	JORDAN	EXECUTIVE ORDER
		LIPSHUTZ	Comments due to
		MOORE	Carp/Huron within
		POWELL	48 hours; due to
		WATSON	Staff Secretary
			next day

	FOR STAFFING
	FOR INFORMATION
X	FROM PRESIDENT'S OUTBOX
	LOG IN/TO PRESIDENT TODAY
	IMMEDIATE TURNAROUND

	ARAGON		KRAFT
	BOURNE		LANCE
	BRZEZINSKI		LINDER
	BUTLER		MITCHELL
	CARP		POSTON
	H. CARTER		PRESS
	CLOUGH		B. RAINWATER
	FALLOWS		SCHLESINGER
	FIRST LADY		SCHNEIDERS
	GAMMILL		SCHULTZE
	HARDEN		SIEGEL
	HOYT		SMITH
	HUTCHESON		STRAUSS
	JAGODA		WELLS
X	KING		VOORDE



THE WHITE HOUSE  
WASHINGTON

*Ham*  
*J*

THE PRESIDENT HAS SEEN. May 23, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: HAMILTON JORDAN *H.J.*  
SUBJECT: Assistant Director - ACDA

Paul Warnke has proposed that you nominate John Newhouse for the post of Assistant Director of the Arms Controls and Disarmament Agency for International Security Programs. Biographical information is attached.

Newhouse is the author of "COLD DAWN: THE STORY OF SALT" and has wide experience in the field. Both Zbig Brzezinski and I concur with Warnke's recommendation.

APPROVE Newhouse ✓

*JC*

DISAPPROVE \_\_\_\_\_

OTHER \_\_\_\_\_

Attachment

Electrostatic Copy Made  
for Preservation Purposes

BIOGRAPHY OF  
JOHN NEWHOUSE

BORN: February 6, 1929 - East Orange,  
New Jersey

MARITAL STATUS: Divorced

EDUCATION: A. B., Duke University, 1950

MILITARY SERVICE: USAF, 1951-52. Honorably discharged  
with rank of Sergeant

PROFESSIONAL EXPERIENCE

From July, 1952 through February, 1959, I was a journalist, beginning with the United Press, then Collier's Magazine, then the major radio and television networks, mostly in Washington. My major journalistic experience was with Collier's, where I was employed from Oct., 1952 through Nov., 1956 (just before the demise of the magazine).

From March, 1959 through Sept., 1964, I was a member of the professional staff of the Senate Committee on Foreign Relations, where I had continuing staff responsibility for NATO and European affairs, for the Middle East and for various functional operations of the Committee. The latter included responsibility for the Committee report on foreign aid legislation in 1961 (when the law was rewritten), 1962 and 1964. I also had the staff responsibility for the revised Japanese Security Treaty (1960), for the OECD Treaty (1961), and for the Limited Nuclear Test Ban Treaty (1963). During this period, I wrote a study on Middle East problems which was issued as one of the 13 studies (all others performed by outside contractors) that became a hard cover Committee book. I also drafted staff studies on U.S.-European political, defense and economic relations.

In October, 1964, I went to France on a two year Ford Foundation grant. During this period, I wrote occasional papers and a book called Collision in Brussels: The Common Market Crisis of June 30, 1965. This book was published in the U.S. by W.W.Norton, Inc.; in Britain by Faber & Faber, Ltd; and in France by the Fondation Nationale des Sciences Politiques; the book was also published in slightly abridged form in Germany by the Deutsche Gesellschaft fur Auswartlige Politik. Also in this period, I wrote a shorter work in collaboration with the French political scientist, Pierre Hassner, called Diplomacy in the West: Out From Paradox. It was



published by the Twentieth Century Fund as a monograph and as a book by the Fondation Nationale des Sciences Politiques, with which I was attached as a research associate.

After two years in Europe, it was proposed that I remain to be European director of a project to be funded by the Twentieth Century Fund and the Fondation Nationale des Sciences Politiques. During this latter two year period, I wrote papers, a magazine article on NATO and another book called De Gaulle and the Anglo-Saxons. This book is an eleven year history of Franco-American and Anglo-French relations (the Gaullist years). It was published in May, 1970 by the Viking Press and in Oct., 1970 by Andre Deutsch, Ltd. A large part of the book was also published in the Federal Republic of Germany.

I returned to Washington in late summer 1969, primarily to join the Brookings Institution as a Senior Fellow and more specifically to co-author and edit a Brookings book on U.S. military forces in Europe. This book, called U.S. Troops in Europe: Issues, Costs and Choices, appeared in Sept., 1971. During a few months of my period at Brookings, I devoted some time to the International Studies Division of the Cambridge firm Bolt Beranek & Newman, Inc. I agreed to serve as a Senior Research Associate in order to prepare a study for the firm on the prospects for Anglo-French military cooperation.

I left Brookings to do a series of five articles on the Strategic Arms Limitations Talks for The New Yorker. The series also appeared in somewhat larger form as a book under the title, COLD DAWN: THE STORY OF SALT.

November 1973 to Present: Counselor, U. S. Arms Control and Disarmament Agency, Washington, D. C.



Mr. John Newhouse has been Counselor of the U. S. Arms Control and Disarmament Agency since 1973, with the role of senior advisor to the Director and head of the Agency's policy planning operation.

Mr. Newhouse is the author of several books. His most recent is COLD DAWN: THE STORY OF SALT dealing with the Strategic Arms Limitation Talks.

Prior to joining the Arms Control Agency, Mr. Newhouse was a member of the professional staff of the Senate Committee on Foreign Relations between 1959 and 1964. From 1964 to 1969, while living in France, he wrote COLLISION IN BRUSSELS: THE COMMON MARKET CRISIS OF JUNE 30, 1965, which was published in the United States, Great Britain, France and Germany, and DE GAULLE AND THE ANGLO-SAXONS, an eleven-year history of Franco-American and Anglo-French relations. In the summer of 1969, Mr. Newhouse joined the Brookings Institution as a Senior Fellow to co-author and edit a Brookings book on U. S. military forces in Europe entitled U.S. TROOPS IN EUROPE: ISSUES, COSTS AND CHOICES.



THE WHITE HOUSE  
WASHINGTON

May 23, 1977

The Vice President  
Hamilton Jordan  
Frank Moore  
Richard Moe

Re: Letter on Voter Registration  
Bill to Secretaries of State

The attached was returned in the  
President's outbox and is forwarded  
to you for your information and  
appropriate action.

Rick Hutcheson

4

THE WHITE HOUSE  
WASHINGTON

cc noe

ACTION	FYI
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<input checked="" type="checkbox"/>	MONDALE
<input type="checkbox"/>	COSTANZA
<input type="checkbox"/>	EIZENSTAT
<input checked="" type="checkbox"/>	JORDAN
<input type="checkbox"/>	LIPSHUTZ
<input checked="" type="checkbox"/>	MOORE
<input type="checkbox"/>	POWELL
<input type="checkbox"/>	WATSON

<input type="checkbox"/>	ENROLLED BILL
<input type="checkbox"/>	AGENCY REPORT
<input type="checkbox"/>	CAB DECISION
<input type="checkbox"/>	EXECUTIVE ORDER
Comments due to Carp/Huron within 48 hours; due to Staff Secretary next day	

<input type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input checked="" type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input checked="" type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND

<input type="checkbox"/>	ARAGON
<input type="checkbox"/>	BOURNE
<input type="checkbox"/>	BRZEZINSKI
<input type="checkbox"/>	BUTLER
<input type="checkbox"/>	CARP
<input type="checkbox"/>	H. CARTER
<input type="checkbox"/>	CLOUGH
<input type="checkbox"/>	FALLOWS
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<input type="checkbox"/>	GAMMILL
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<input type="checkbox"/>	PRESS
<input type="checkbox"/>	B. RAINWATER
<input type="checkbox"/>	SCHLESINGER
<input type="checkbox"/>	SCHNEIDERS
<input type="checkbox"/>	SCHULTZE
<input type="checkbox"/>	SIEGEL
<input type="checkbox"/>	SMITH
<input type="checkbox"/>	STRAUSS
<input type="checkbox"/>	WELLS
<input type="checkbox"/>	VOORDE





OFFICE OF THE VICE PRESIDENT  
WASHINGTON

THE PRESIDENT MAY 22, 1977

MEMORANDUM FOR THE PRESIDENT

FROM: Richard Moe

RE: Letter on Voter Registration Bill to Secretaries of State

DATE: May 22, 1977

Attached is a proposed letter for you to send to Democratic Secretaries of State, as you indicated you would do in the meeting last week with Jim Corman's group. I propose to enclose with it the attached fact sheet which we have found helpful in explaining the bill.

I have also collected the available information on Democratic expenditures for voter registration last year as well as that on Democratic gains in states with election day registration. That information is also attached. To avoid possible charges that our interest in the bill is solely political, I suggest that I give this information to Corman privately and leave it out of any communication from you.

Letter to Secretaries of State

Approve ☒ Disapprove ☐

Give political information to Corman privately

Approve ☒ Disapprove ☐

Electrostatic Copy Made  
for Preservation Purposes

To Fritz:  
I'd like for you  
to keep this as a  
major respons. b.l.t. I'll  
help as needed  
J.C.

Let me  
sign  
JC

DRAFT - Letter from President to Democratic Secretaries of State

Dear \_\_\_\_\_:

As you know, I have asked Congress to enact legislation providing for voter registration at the polls in federal general elections. The continuing decline in American voter participation is a serious problem which calls for the attention of all of us in public life. I firmly believe that a simplified registration procedure will help to reverse this trend and make the electoral process more equally accessible to all American citizens.

With excellent cooperation from the Congress, we have designed a system which supplements existing registration methods and which can be administered effectively by state and local officials. The legislation calls for a minimum of federal interference and substantial federal financial assistance. It contains strong safeguards to protect the integrity of the democratic process and will result in elections which are at least as safe from fraud as they are under present procedures.

I ask for your support for this important legislation. With your help it can give us a stronger and more open democracy.



## H. R. 5400 - THE UNIVERSAL VOTER REGISTRATION ACT OF 1977

\* Provides for voter registration at the polling place in federal general elections.

\* Contains strict procedural safeguards and strong civil and criminal penalties against fraud.

\* Assists states with federal funds to implement election day registration, to encourage pre-registration, to modernize election administration, and to detect and prevent fraud.

### Need for Federal Legislation

Since 1960, voter participation in presidential elections has steadily declined. While citizen apathy and alienation are major causes of this trend, studies show that as many as 25% of the 70 million non-voting Americans are discouraged by the difficulty of registration. Reducing this structural barrier is the one immediate step Congress can take to encourage fuller participation by our citizens in the electoral process.

Between 1876 and 1920, most states enacted voter registration laws. During that period, American voter turnout fell from 80% to 46%. As the Committee for the Study of the American Electorate has pointed out, the United States ranks behind every other democracy in the world in voter participation, except for the country of Botswana.

### The Record in the States

Minnesota and Wisconsin used registration at the polls in the 1976 presidential election and they ranked first and fourth nationally in voter turnout. Both states experienced a significant increase over 1972 while the national level of participation was declining. Neither state had any verified cases of fraud as a result.

North Dakota, with no registration, ranked third among the states in 1976 turnout. Maine, with election day registration not at the polls in most cases, ranked fifth. Oregon, with election day registration not at the polls, ranked eleventh.

### Safeguards Against Fraud

H. R. 5400 contains strong protection against election fraud. The anti-fraud provisions include the following:

- Federal criminal penalties of 5 years imprisonment and/or a \$10,000 fine for violations; 10 years imprisonment and/or a \$25,000 fine for second and subsequent convictions.

- Civil investigative and enforcement powers for the Federal Election Commission, including broad authority to seek injunctions and other remedies in federal court, as well as civil penalties up to \$5,000.

- Requirement that every election day registrant sign a sworn affidavit attesting to his or her identity, residence, place of birth, citizenship, and other voter qualifications under the laws of the state; attesting that he or she has not already voted in the election; and containing a warning of the federal and state criminal penalties for false registration.

- Provision for states to require every election day registrant to establish his or her identity and residence either by a form of identification permitted by the state and approved by the FEC or by the affidavit, signed and sworn under criminal penalty, of a pre-registered voter in the same precinct who is physically present and can vouch for the new registrant.

- Only pre-registered voters could vouch for an election day registrant, and they could not vouch for more than five persons in any election.

- States must perform a random audit after each Federal election of at least 5% of their election day registrations and refer any apparent violations to the Justice Department.

- Federal funds for training election officials, updating and modernizing registration records, and detecting and preventing fraud.



## Election Fraud and Voter Registration

Most serious election fraud in this country has been perpetrated by election officials themselves. A survey by the Justice Department of four representative districts (northern Illinois, eastern Louisiana, southern Texas, and southern West Virginia) found that, of 125 indictments in the last five years, 107 were against public officials. Many of the others were against individuals working with the public officials in the same schemes. In all of these places, traditional systems requiring prior registration of voters were in effect.

Methods of election fraud have typically included dishonest counting of ballots; casting votes for registered voters who do not go to the polls because they have died or moved away; tampering with voting machines; and intimidating or illegally assisting voters in the polling booth. No system of pre-registration can prevent this kind of corruption.

In actual practice, election officials rarely have the time or resources to do any investigation of the voting qualifications of those who register prior to election day. When people pre-register in many jurisdictions, they are not required to provide the proof of their identity and residence which would be required by states under H. R. 5400. Under registration by mail (now used in 18 states and available to more than half the country's population) as well as under many pre-registration procedures, individuals simply fill out a form and sign it.

## Financial Assistance

As amended in committee, H. R. 5400 would provide financial assistance to the states as follows:

- a) 35¢ per voter in the previous presidential election for compliance with the requirement for registration at the polls in federal general elections.
- b) 20¢ per voter in the previous presidential election if the state implements an FEC-approved outreach plan to encourage pre-election registration.
- c) 10¢ per voter in the previous presidential election if the state chooses to permit registration at the polls for state and local elections held on the day of a federal general election and any general election for statewide office.

After a state has implemented the system for the first time and start-up costs have been met, the 35¢ in part (a) would be reduced to 20¢ for subsequent elections.

Grants based on this formula would be made to states by the FEC every two years. State election officials would have to pass through 90% of the funds to local governments, unless they could demonstrate to the FEC a higher share of costs at the state level. Funds could be used for voter registration efforts and for a broad range of improvements in election administration.

## Other Key Features of H. R. 5400

- The bill would take effect for the 1978 federal general election for most states. However, states whose legislatures do not meet in general sessions before March 31, 1978, would not have to comply until 1980. They would have the option to comply in 1978 and could qualify for federal funds.

- State laws on voter qualifications remain in effect and registration and elections continue to be administered by state and local officials.

- Registrants at the polls would be processed separately in most cases so that those who have pre-registered would not have to wait in line behind them while they register.

- The FEC would provide training and information to state and local governments to help them implement the new system.

Office of the Vice President  
May 13, 1977



## 1. 1976 Voter Registration Expenditures

For the 1976 presidential election, the Democratic National Committee spent \$2 million on voter registration efforts. This included funds distributed to state party organizations for state and local registration drives. Some state parties raised and spent additional funds on registration, although total figures are not available.

The AFL-CIO reported spending over \$3 million on registration in 1976. Included in that amount are expenditures by national COPE, state federations and local central bodies. According to the AFL-CIO, additional funds were spent on registration but were not required to be reported. The \$3 million does not include expenditures by individual unions.

## 2. Election Results for Democrats

### Minnesota (poll booth registration)

Gain of 11 state senate seats and 26 state house seats since enactment in 1973; retention of governor, lieutenant governor, and attorney general & gain of secretary of state, state treasurer, and state auditor in 1974; retention of U.S. Senate seat in 1976; loss of one Congressional seat in 1977.

### Wisconsin (poll booth registration)

Gain of 4 state senate seats and 3 state house seats since enactment in 1975; retention of U. S. Senate seat and retention of 7 Congressional seats in 1976.



THE WHITE HOUSE

WASHINGTON

Date: May 23, 1977

MEMORANDUM

FOR ACTION:

Jim Fallows

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Dick Moe memo 5/22 re Letter on Voter Registration Bill  
to Secretaries of State.

YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:

TIME: Within the hour

DAY:

DATE:

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

☐ No comment.

*Please note other comments below:*

NOTE: THIS MUST GO TO THE PRESIDENT TODAY.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately. (Telephone, 7052)



te: May 23, 1977

MEMORANDUM

FOR ACTION:

Jim Fallows

FOR INFORMATION:

FROM: Rick Hutcheson, Staff Secretary

SUBJECT: Dick Moe memo 5/22 re Letter on Voter Registration Bill  
to Secretaries of State.

YOUR RESPONSE MUST BE DELIVERED  
TO THE STAFF SECRETARY BY:

TIME: Within the hour

DAY:

DATE:

ACTION REQUESTED:

☒ Your comments

Other:

STAFF RESPONSE:

☐ I concur.

☐ No comment.

Please note other comments below:

NOTE: THIS MUST GO TO THE PRESIDENT TODAY.

*jk*

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OFFICE OF THE VICE PRESIDENT  
WASHINGTON

MEMORANDUM FOR THE PRESIDENT

FROM: Richard Moe

RE: Letter on Voter Registration Bill to Secretaries of State

DATE: May 22, 1977

Attached is a proposed letter for you to send to Democratic Secretaries of State, as you indicated you would do in the meeting last week with Jim Corman's group. I propose to enclose with it the attached fact sheet which we have found helpful in explaining the bill.

I have also collected the available information on Democratic expenditures for voter registration last year as well as that on Democratic gains in states with election day registration. That information is also attached. To avoid possible charges that our interest in the bill is solely political, I suggest that I give this information to Corman privately and leave it out of any communication from you.

Letter to Secretaries of State

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Give political information to Corman privately

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_



Dear \_\_\_\_\_:

As you know, I have asked Congress to enact legislation providing for voter registration at the polls in federal general elections. The continuing decline in American voter participation is a serious problem which calls for the attention of all of us in public life. I firmly believe that a simplified registration procedure will help to reverse this trend and make the electoral process more equally accessible to all American citizens.

With excellent cooperation from the Congress, we have designed a system which supplements existing registration methods and which can be administered effectively by state and local officials. The legislation calls for a minimum of federal interference and substantial federal financial assistance. It contains strong safeguards to protect the integrity of the democratic process and will result in elections which are at least as safe from fraud as they are under present procedures.

I ask for your support for this important legislation. With your help it can give us a stronger and more open democracy.



## H. R. 5400 - THE UNIVERSAL VOTER REGISTRATION ACT OF 1977

\* Provides for voter registration at the polling place in federal general elections.

\* Contains strict procedural safeguards and strong civil and criminal penalties against fraud.

\* Assists states with federal funds to implement election day registration, to encourage pre-registration, to modernize election administration, and to detect and prevent fraud.

### Need for Federal Legislation

Since 1960, voter participation in presidential elections has steadily declined. While citizen apathy and alienation are major causes of this trend, studies show that as many as 25% of the 70 million non-voting Americans are discouraged by the difficulty of registration. Reducing this structural barrier is the one immediate step Congress can take to encourage fuller participation by our citizens in the electoral process.

Between 1876 and 1920, most states enacted voter registration laws. During that period, American voter turnout fell from 80% to 46%. As the Committee for the Study of the American Electorate has pointed out, the United States ranks behind every other democracy in the world in voter participation, except for the country of Botswana.

### The Record in the States

Minnesota and Wisconsin used registration at the polls in the 1976 presidential election and they ranked first and fourth nationally in voter turnout. Both states experienced a significant increase over 1972 while the national level of participation was declining. Neither state had any verified cases of fraud as a result.

North Dakota, with no registration, ranked third among the states in 1976 turnout. Maine, with election day registration not at the polls in most cases, ranked fifth. Oregon, with election day registration not at the polls, ranked eleventh.

### Safeguards Against Fraud

H. R. 5400 contains strong protection against election fraud. The anti-fraud provisions include the following:

- Federal criminal penalties of 5 years imprisonment and/or a \$10,000 fine for violations; 10 years imprisonment and/or a \$25,000 fine for second and subsequent convictions.

- Civil investigative and enforcement powers for the Federal Election Commission, including broad authority to seek injunctions and other remedies in federal court, as well as civil penalties up to \$5,000.

- Requirement that every election day registrant sign a sworn affidavit attesting to his or her identity, residence, place of birth, citizenship, and other voter qualifications under the laws of the state; attesting that he or she has not already voted in the election; and containing a warning of the federal and state criminal penalties for false registration.

- Provision for states to require every election day registrant to establish his or her identity and residence either by a form of identification permitted by the state and approved by the FEC or by the affidavit, signed and sworn under criminal penalty, of a pre-registered voter in the same precinct who is physically present and can vouch for the new registrant.

- Only pre-registered voters could vouch for an election day registrant, and they could not vouch for more than five persons in any election.

- States must perform a random audit after each Federal election of at least 5% of their election day registrations and refer any apparent violations to the Justice Department.

- Federal funds for training election officials, updating and modernizing registration records, and detecting and preventing fraud.



## Election Fraud and Voter Registration

Most serious election fraud in this country has been perpetrated by election officials themselves. A survey by the Justice Department of four representative districts (northern Illinois, eastern Louisiana, southern Texas, and southern West Virginia) found that, of 125 indictments in the last five years, 107 were against public officials. Many of the others were against individuals working with the public officials in the same schemes. In all of these places, traditional systems requiring prior registration of voters were in effect.

Methods of election fraud have typically included dishonest counting of ballots; casting votes for registered voters who do not go to the polls because they have died or moved away; tampering with voting machines; and intimidating or illegally assisting voters in the polling booth. No system of pre-registration can prevent this kind of corruption.

In actual practice, election officials rarely have the time or resources to do any investigation of the voting qualifications of those who register prior to election day. When people pre-register in many jurisdictions, they are not required to provide the proof of their identity and residence which would be required by states under H. R. 5400. Under registration by mail (now used in 13 states and available to more than half the country's population) as well as under many pre-registration procedures, individuals simply fill out a form and sign it.

### Financial Assistance

As amended in committee, H. R. 5400 would provide financial assistance to the states as follows:

- a) 35¢ per voter in the previous presidential election for compliance with the requirement for registration at the polls in federal general elections.
- b) 20¢ per voter in the previous presidential election if the state implements an FEC-approved outreach plan to encourage pre-election registration.
- c) 10¢ per voter in the previous presidential election if the state chooses to permit registration at the polls for state and local elections held on the day of a federal general election and any general election for statewide office.

After a state has implemented the system for the first time and start-up costs have been met, the 35¢ in part (a) would be reduced to 20¢ for subsequent elections.

Grants based on this formula would be made to states by the FEC every two years. State election officials would have to pass through 90% of the funds to local governments, unless they could demonstrate to the FEC a higher share of costs at the state level. Funds could be used for voter registration efforts and for a broad range of improvements in election administration.

### Other Key Features of H. R. 5400

- The bill would take effect for the 1978 federal general election for most states. However, states whose legislatures do not meet in general sessions before March 31, 1978, would not have to comply until 1980. They would have the option to comply in 1978 and could qualify for federal funds.
- State laws on voter qualifications remain in effect and registration and elections continue to be administered by state and local officials.
- Registrants at the polls would be processed separately in most cases so that those who have pre-registered would not have to wait in line behind them while they register.
- The FEC would provide training and information to state and local governments to help them implement the new system.



## 1. 1976 Voter Registration Expenditures

For the 1976 presidential election, the Democratic National Committee spent \$2 million on voter registration efforts. This included funds distributed to state party organizations for state and local registration drives. Some state parties raised and spent additional funds on registration, although total figures are not available.

The AFL-CIO reported spending over \$3 million on registration in 1976. Included in that amount are expenditures by national COPE, state federations and local central bodies. According to the AFL-CIO, additional funds were spent on registration but were not required to be reported. The \$3 million does not include expenditures by individual unions.

## 2. Election Results for Democrats

### Minnesota (poll booth registration)

Gain of 11 state senate seats and 26 state house seats since enactment in 1973; retention of governor, lieutenant governor, and attorney general & gain of secretary of state, state treasurer, and state auditor in 1974; retention of U.S. Senate seat in 1976; loss of one Congressional seat in 1977.

### Wisconsin (poll booth registration)

Gain of 4 state senate seats and 3 state house seats since enactment in 1975; retention of U. S. Senate seat and retention of 7 Congressional seats in 1976.